

EXPEDITED PROCEDURE-EXAMINING GROUP 2169

S/N 09/713,600

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Harold Kraft et al.	Examiner:	Miranda Le
Serial No.:	09/713,600	Group Art Unit:	2169
Filed:	November 15, 2000	Docket No.:	962.071US1
Customer No.:	21186	Confirmation No.:	9771
Title:	METHOD, SYSTEM AND COMPUTER-READABLE MEDIUM FOR ACCESSING AND RETRIEVING COURT RECORDS, ITEMS AND DOCUMENTS		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests panel review and withdrawal of the final §103 rejections made in the above-identified application. No amendments are included with this request, which is accompanied by a Notice of Appeal.

Request for Review and Withdrawal of §103 Rejections

Claims 1-8, 11, 13, 18-20, 23, 25, 30-32, 35, 37, 39, 41 and 43-45 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Rao (U.S. Patent 6,581,056) in view of Anderson. (U.S. Patent 6,005,860). (Note the Action appears to errantly refer to claims 6-8, rather than 1-8.)

Regarding claims 1-8 and 11, applicant submits respectfully that neither Rao nor Anderson alone or in combination meet all the specific requirements of these claims. For example, neither Rao nor Anderson meet the requirement of “selecting one of a plurality of user input, stored electronic records search requests from a queued search database to execute next based upon one or more selection criteria.”

The Final Office Action concedes that Rao lacks this requirement, citing Anderson to fill the gap, specifically col. 17, lines 27-35 and 55-65. However, one of skill would not find these passages as teaching the required selection of a queued search request from a queued search database. The cited Anderson passage merely teaches use of FIFO (first in-first-out) queue, not a

search database. And, there is no evidence in the record that one of skill would regard a FIFO as being the search database that claims 1-8 and 11 require.

Additionally, claims 1-8 and 11 require “determining which of two or more different types of communication medium can be used to access at least one of a plurality of electronic records databases associated with the selected one of the electronic records search requests.” Neither Rao nor Anderson meet this requirement.

The Final Action cites Rao col. 3, lines 35-42 and 52-59, as meeting this requirement. However, close inspection of the passages reveals no indication of a determination of a type of communications medium, nor a determination of type of medium based on a search request selected from a database of search requests. At best, the cited passages appear to indicate a theoretical capability to operate within a variety of communications environments. But this is distinct from any teaching of a system that actually performs an act of determining a type of communications medium based on a search request.

Accordingly, based on the two noted distinctions, applicant respectfully requests that the Panel withdraw the §103 rejection of claims 1-8 and 11 and reopen prosecution of the application.

Regarding claims 13, 18-20, and 23, applicant submits respectfully that neither Rao nor Anderson alone or in combination meet all the specific requirements of these claims. For example, these claims require “at least one processor executing a program of instructions for selecting one of a plurality of user input, stored electronic records search requests from a queued search database to execute next based upon one or more selection criteria.” These claims further require the processor executing a program of instruction for “determining which of two or more different types of communication medium can be used to access at least one electronic records database associated with the selected one of the electronic records search requests, retrieving instructions for accessing the at least one electronic records database based on at least one of the determined types of communication medium which can be used to access the at least one electronic records database. Both of these are similar to the search request selection requirement and the communication medium determination of claims 1-8 and 11.

Accordingly, applicant respectfully requests that the Panel direct withdrawal of the §103 rejection of claims 13, 18-20, and 23 and reopen prosecution of the application.

Regarding 30-32, 35, 37, 39, 41 and 43-45, applicant requests respectfully that the Panel direct withdrawal of the rejection of these dependent claims based on the distinctions noted above.

Claims 38, 40, 42, 49, 51 and 53 were rejected as allegedly unpatentable over Rao in view of Anderson, and further in view of Ferrel (U.S. Patent 5,907,837).

In first response, applicant requests respectfully that the Examiner reconsider and withdraw the rejections of claims 38, 40, and 42, all dependent claims, based at least on one or more the distinctions noted for their base claims.

Regarding claims 49, 51, and 53, applicant submits respectfully that neither Rao, nor Anderson nor Ferrel teach evaluating user input search requests using the requisite two search selection criterion and then selecting which search request to execute based on the evaluation. Rao has no search selection at all. Anderson reports usage of a FIFO queue for processing search requests based on arrival time. Ferrel, in the Examiner's words, "teaches when the examined electronic search requests was last updated." Which if true would only meet one of the requisite two search selection criteria.

Accordingly, applicant respectfully requests that the Panel direct withdrawal of the §103 rejection of claims 49, 51, and 53.

Claims 2, 5, 14, 17, 26 and 29 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Rao in view of Anderson and further in view of Barr (U.S. Patent No. 5,873,076). And, claims 3, 4, 10, 12, 15, 16, 22, 24, 27, 28, 34 and 36 were rejected similarly over Rao in view of Anderson and further in view of Wolfe (U.S. Patent No. 6,263,351). And, Claims 46, 47 and 48 were rejected similarly over Rao in view of Anderson and further in view of Kanoh (U.S. Patent No. 5,873,077).

In response, applicant respectfully submits that these claims stem from base claims that distinguish at least for reasons noted above. Accordingly, applicant requests respectfully that the Panel direct withdrawal of the §103 rejection of these dependent claims.

Conclusion

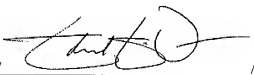
Applicant requests respectfully that the Panel review and direct withdrawal of the §103 rejections based on the highlighted distinctions noted above.. Additionally, applicant invites the Examiner to telephone its representative Eduardo Drake at (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9593

Date 5/12/09


By 

Eduardo E. Drake
Reg. No. 40,594

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12th day of May, 2009.

CHERYL L. DANKERS

Name


Signature